THE HON'BLE SRI JUSTICE D.S.R.VARMA

Writ Petition No.31744 of 1998

Dated: 05th July, 2006

Between:

1. Mohd. Anwar alias S.K.Anwar
   and eight others

... Petitioners

and

1. The State of Andhra Pradesh,
   rep. by the Secretary,
   Municipal Administration Department,
   Secretariat Buildings, Hyderabad and another

... Respondents

THE HON'BLE SRI JUSTICE D.S.R.VARMA

Writ Petition No.31744 of 1998

Oral Order:

Heard.

2. Apprehending demolition of the buildings of the petitioners pursuant to the notice bearing Lr.No.231/W3/TPA/RW/C3/MCH/98, dated 03/04-11-1998, issued by the Commissioner, Municipal Corporation of Hyderabad, the present Writ Petition is filed.

3. It is the grievance of the petitioners that demolition activity was taken up by the respondents in an arbitrary manner. From the affidavit filed in support of the Writ Petition, it appears that several constructions were already demolished and some were yet to be demolished. It appears that the demolition activity was taken up for public purpose. At that point of time, the present Writ Petition was filed.

4. However, this Court by order, dated 13-11-1998, in W.P.M.P.No.38927 of 1998, had granted interim stay of demolition, pending further orders.

5. It is to be seen that when the demolition activity is for the public purpose, such cause cannot be impeded, provided the said activity of demolition is taken up in accordance with law i.e., after giving notice.

6. It appears that the petitioners have approached this Court, by way of this writ petition, without submitting any

explanation or objections to the notice issued by the respondents. Since this Court has granted interim stay of demolition of the buildings of the petitioners, suffice it to close the writ petition with a direction to the petitioners to submit their explanation or objections to the impugned notice, dated 03/04-11-1998, and on such submission the respondents are directed to consider the same and pass appropriate orders and proceed in accordance with law.

7. Till such time, the said interim order of stay granted by this Court shall remain in force.

8. With the above observations and directions, this Writ Petition is closed. However, there shall be no order as to costs.

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D.S.R.VARMA, J

05th July, 2006.

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